

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Docket No.: 3:20CV30159

MATTHEW CRANE,
Plaintiff,

v.

JOSEPH KOZLOWSKI, ERIC ORTIZ, MICKEY DUMAIS,
JOSEPH BRUNELLE, CHICOPEE POLICE DEPARTMENT
and THE CITY OF CHICOPEE,
Defendants.

**MOTION OF THE DEFENDANTS, CITY OF CHICOPEE,
CHICOPEE POLICE DEPARTMENT and MICKEY DUMAIS, TO DISMISS
THE CLAIMS AGAINST THEM**

The City of Chicopee, the Chicopee Police Department and Mickey Dumais (“Dumais”), the defendants in this matter, hereby move, pursuant to Fed. R. Civ. P. 12(b)(6), and for the reasons set forth in their *Memorandum of Law*, filed in support of this motion, that the court dismiss each of the following claims asserted against them:

- a. Dumais seek dismissal of all claims asserted against him in his official capacity;
- b. Dumais seek dismissal of all claims asserted against him for intentional assault and battery, being all of the claims asserted against it in Counts V;
- c. the Chicopee Police Department seeks dismissal of all claims against it, being all of the claims asserted against it in Counts III and VI; and

e. the City of Chicopee seeks dismissal of the § 1983 *Monell* claims asserted against it, being all of the claims asserted against it in Counts III and VI.

Dated: July 14, 2021

THE DEFENDANTS,
City of Chicopee,
Chicopee Police Department
and Mickey Dumais,

/s/ Mark J. Albano

By: _____
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CERTIFICATE OF CONSULTATION

I, Mark J. Albano, Esq., hereby certify, pursuant to Local Rule 7.1, that on January 4, 2021, counsel for the plaintiff and for the moving defendants conferred by telephone in a good faith effort to narrow areas of disagreement and to resolve the issues presented in this motion without court action.

/s/ Mark J. Albano

Mark J. Albano, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2021, this document filed through the Electronic Case Filing System (ECF) will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and that a paper copy shall be served upon those identified as nonregistered participants.

/s/ Mark J. Albano

Mark J. Albano, Esq.